

1 **WAGANAKISING ODAWAK STATUTE _____**
2 **ODAWA FISHERY INCORPORATED STATUTE**
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5 **SECTION I. PURPOSE AND TITLE**
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7 **A.** Purpose. The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises
8 powers of self-government over its Citizens and territory. In accordance with Article VII (D) (4),
9 the purpose of this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa
10 Indians charter of incorporation for economic purpose, to provide for the management of the
11 non-gaming, economic affairs and to delegate such management to a Tribally chartered
12 corporation in accordance with Article VII (D) (24) and regulate such tribally chartered
13 corporation activities in accordance with Article VII (D) (4).
14

15 **B.** Short Title. This Statute shall be known and cited as the “Odawa Fishery, Inc. Statute.”
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18 **SECTION II. DEFINITIONS**
19

20 **A.** “*Gaming Commercial Enterprises*” means the Odawa Casino Resort and ancillary
21 enterprises and activities, including the Odawa Casino Resort, related hotel and restaurant
22 services, of the Tribe located in Petoskey, Michigan, wherein the Tribe operates Class II and
23 Class III gaming to generate governmental revenue for the Tribe pursuant to the Indian Gaming
24 Regulatory Act.
25

26 **B.** “*Non-gaming Economic Affairs*” means economic development enterprises and
27 activities not related to the gaming commercial enterprises.
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29 **C.** “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means
30 “*areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries*
31 *of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third*
32 *and fourth’ of the Treaty of 1855, 11 Stat.621” Little Traverse Bay Bands Constitution, Article*
33 *V(A)(1)(a).*

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2 **D.** “Tribe” or “LTBB” means the Little Traverse Bay Bands of Odawa Indians.
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4 **E.** “Tribal Constitution” means the Little Traverse Bay Bands of Odawa Indians
5 Constitution as adopted by its membership on February 1, 2005.
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7 **F.** “Tribal Council” means the elected body of nine (9) Tribal Citizens of Little Traverse
8 Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal
9 Council”.
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12 **SECTION III. CREATION OF THE ODAWA FISHERY, INC. CORPORATE**
13 **CHARTER**
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15 A tribally chartered corporation is authorized by this Statute and shall be named the
16 “Odawa Fishery, Inc.” The organization is recognized by the approval of the tribal corporation
17 charter; “Odawa Fishery, Inc” by Tribal Council.
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20 **SECTION IV. SCOPE OF ACTIVITIES**
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22 **A.** The Odawa Fishery, Inc. is authorized to conduct enterprise activities at the following
23 locations for the purpose of promoting treaty fishing rights:
24

25 **1.** 229 S. Huron Ave. Mackinaw City, Michigan 49701, formerly known as Bell’s
26 Fishery.
27

28 **2.** Other such properties, enterprises or activities as designated and approved by
29 Tribal Council.
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31 **B.** The Odawa Fishery, Inc. shall be assigned those assets as existed and are currently within
32 the designated commercial sites including real property, tangible and intangible properties. Such
33 assets shall be held by the Odawa Fishery, Inc. on behalf of the Tribe and shall be managed to

1 provide long term revenue for Tribal governmental programs and activities. The assets assigned
2 in this Statute shall be independently managed by the Odawa Fishery, Inc.

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5 **SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**
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7 **A.** The Odawa Fishery, Inc. shall have sole authority and responsibility for managing the
8 Odawa Fishery, Inc. and related enterprise, in accordance with the policies, Statutes, Resolutions,
9 regulations as approved by Tribal Council.

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11 **B.** The Odawa Fishery, Inc. shall abide by all tribal and federal laws and regulations as may
12 be applicable.

13
14 **C.** It is the duty of the Odawa Fishery, Inc. to monitor activities and operations to provide
15 guidance to the management of the operations.

16
17 **D.** It is the duty of the Odawa Fishery, Inc. to protect assets of the Tribe and generate
18 revenues to support Tribal Governmental Services and Programs.

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21 **SECTION VI. REPORTING TO TRIBAL COUNCIL**
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23 In order to regulate, the Odawa Fishery, Inc. shall report to the Tribal Council on the
24 following information regarding the Odawa Fishery, Inc. and at the regularly scheduled Tribal
25 Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly
26 or as requested:

27
28 **A.** Annual operating plan;

29
30 **B.** Financial performance measures;

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32 **C.** Audits, whether internal or external;
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1 **D.** Financial records or statements;

2
3 **E.** Tribal Council may request reports regarding all aspects of the Odawa Fishery,
4 Inc.

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7 **SECTION VII. FINANCING OF THE ODAWA GAMING ENTERPRISE**
8 **MANAGEMENT, INC. AND ACTIVITIES**
9

10 **A.** The annual budget for the Odawa Fishery, Inc. shall be approved by Tribal Council in
11 accordance with an approval process as designated by the Tribal Council.
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13 **B.** Tribal Council approval is required for borrowing of funds. The Odawa Fishery, Inc. is
14 not authorized to enter into financing approval without prior ratification by the Tribal Council.
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17 **SECTION VIII. SAVING CLAUSE**
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19 In the event that any phrase, provision, part, paragraph, subsection or section of this
20 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
21 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
22 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
23 statute, the entirety of the balance of the statute to remain in full and binding force and effect.
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26 **SECTION IX. EFFECTIVE DATE**
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28 Effective upon signature of the Executive or thirty (30) days from Tribal Council
29 approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal
30 Council override of the veto.
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32 **CERTIFICATION**
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